

Title 2. Secretary Of State

Notice Of Proposed Modifications To Regulations

Pursuant to the requirements of subdivision (c) of Section 113346.8 of the Government Code and Section 44 of Title 1 of the California Code of Regulations, the Secretary of State is providing notice of proposed changes to amend Sections 22100, 22110, 22120, and 22130 of Chapter 11 of Division 7 of Title 2 of the California Code of Regulations.

If you have any comments regarding the proposed modification to the regulations, the Secretary of State shall accept written comments from September 29, 2003 through October 14, 2003 at 5:00 p.m. All written comments shall be submitted to the Secretary of State no later than 5:00 p.m. on October 14, 2003, and addressed to: Safe at Home Confidential Address Program, Attention: Regulations Coordinator, P.O. Box 846, Sacramento, California 95812. The Secretary of State shall respond to all written comments received on or before 5:00 p.m. on October 14, 2003 that pertain to the indicated modifications.

Text Of Proposed Modifications To Regulations

The Secretary of State has illustrated the proposed changes to Sections 22100, 22110, 22120, and 22130 of the California Code of Regulations in the following manner: deletions from the language in the California Code of Regulations are shown in strikeout using “-”; additions to the language in the California Code of Regulations are shown in underline using “_”. The Secretary of State proposes to amend Section 22100, 22110, 22120, and 22130 of Chapter 11 of Division 7 of Title 2 of the California Code of Regulations to read:

Chapter 11. Safe at Home Confidential Address Program

~~§ 22100. Safe at Home and Designated Community-Based Assistance Programs~~

~~(a)~~ The confidential address program for reproductive health care services providers, employees, volunteers, and patients established in Chapter 3.2 (commencing with Section 6215) of Division 7 of Title 1 of the Government Code and operated by the Secretary of State shall be known as Safe at Home.

Note: Authority cited: Section 6215.9, Government Code.

Reference: Sections 6215, 6215.1, 6215.2, 6215.3, 6215.4, 6215.5, 6215.6, 6215.7, 6215.8, 6215.9, 6216, and 6217, Government Code.

§22100.1. Designated Community-Based Assistance Programs

~~(b)~~(a) Designated community-based assistance programs referred to in this chapter and in Chapter 3.2 (commencing with Section 6215) of Division 7 of Title 1 of the Government Code shall be known as enrolling agencies. Community-based assistance programs that are eligible to be designated as enrolling agencies are nonprofit agencies that are independent abortion providers and Planned Parenthood clinics and state and local agencies.

~~(c)~~(b) ~~To apply to become a designated enrolling agency~~ An eligible community-based assistance program as defined in subdivision ~~(b)~~ (a) ~~may~~ shall submit ~~an a completed Enrolling Agency Agreement, revised September 29, 2003,~~ with to the Secretary of State ~~to become a designated enrolling agency.~~ There shall be no application fee for designation as an enrolling agency. Upon approval of the application, the Secretary of State shall provide training and orientation information to the enrolling agency.

(c) The Enrolling Agency Agreement, revised September 29, 2003, requires all of the following:

(1) Name of agency or organization;

(2) Administrative address;

(3) Telephone and facsimile numbers;

(4) Printed name and signature of agency or clinic director and the date of signature; and

(5) Agree to: (A) attend a program orientation and training provided by the Secretary of State to assist program participant applicants with the enrollment and application process; (B) review the application checklist with applicants before forwarding the completed enrollment package and application fees to the Secretary of State within twenty-four (24) hours; (C) maintain an adequate supply of original application materials provided by the Secretary of State and not make copies of any of the application materials; (D) fulfill the obligations and responsibilities under Chapter 3.2 (commencing with Section 6215) of the Government Code and this chapter.

(d) The Secretary of State shall review the Enrolling Agency Agreement to determine whether: (1) the community-based assistance organization is eligible under subdivision (a); and (2) all requested information on Enrolling Agency Agreement is complete. If the community-based assistance organization is eligible under subdivision (a) and the Enrolling Agency Agreement is complete, the Secretary of State shall designate the community-based assistance program as an enrolling agency. Within ten (10) business days of actual receipt of an Enrolling Agency Agreement the Secretary of State shall mail a notice to the community-based assistance organization stating whether or not it has been designated as an enrolling agency. Each enrolling agency shall attend a program orientation provided by the Secretary of State prior to counseling program participant applicants.

~~(d) All information submitted by a Safe at Home applicant shall be confidential and treated as such by enrolling agencies. Enrolling agencies shall transfer all information submitted by a Safe at Home applicant to the Secretary of State within twenty-four (24) hours of receipt. Enrolling agencies shall not copy, store, or maintain any of the information provided by a Safe at Home applicant, including, but not limited to, applications, attachments, supporting documentation, notes, letters, payment information, and information therein.~~

(e) An enrolling agency shall cease to be designated as such upon any of the following: (1) the Secretary of State receives written notification by an authorized representative of the enrolling agency that it is withdrawing from the program; (2) the enrolling agency does not satisfy the definition provided in subdivision ~~(b)~~ (a); or (3) the Secretary of State finds that the program enrolling agency is not fulfilling its obligations and responsibilities under this chapter and Chapter 3.2 (commencing with Section 6215) of Division 7 of Title 1 of the Government Code. Termination of designation as an enrolling agency shall be in accordance with Section ~~22130~~ 22100.4. Upon the effective date of the termination, the community-based assistance organization shall not represent itself as an enrolling agency and shall return any Safe at Home applications and materials to the Secretary of State within three (3) business days.

Note: Authority cited: Section 6215.9, Government Code.

Reference: Sections 6215.2~~(7)~~ and 6215.8, Government Code.

§ ~~22110~~ 22100.2. Program Participant Application and Annual Fees

(a) ~~To apply to become a program participant~~ The application fee for each application submitted by a reproductive health care services facility, provider, employee, volunteer, patient, or family member of a reproductive health care services provider, employee, or volunteer, or patient who is a program participant shall submit a completed Safe at Home Application & Checklist Form, revised September 29, 2003, in accordance with Section 6215.2 of the Government Code. ~~The application fee for a reproductive health care services facility, provider, employee, volunteer, or family member of a reproductive health care services provider, employee, or volunteer who is a program participant is thirty dollars (\$30). The application fee is nonrefundable. Reproductive health care services patients and family members of reproductive health care services patients who are program participants shall not be charged an application fee.~~

(b) ~~In addition to the requirements contained in Section 6215.2 of the Government Code, the Safe at Home Application and Checklist Form, revised September 29, 2003, shall include a notice that a person who willfully certifies as true any material matter pursuant to Section 6215.2 of the Government Code which he or she knows to be false is guilty of a misdemeanor and shall require all of the following:~~

~~(1) Applicant's first, middle, and last name, date of birth, age, marital status, and sex;~~

~~(2) Whether the program participant can sign for and accept legal document's at his or her residence or mailing address; and~~

~~(3) Agree to all of the following provisions.~~

~~(A) Safe at Home is a mail forwarding service only. A program participant's mail will first be received at the Secretary of State Safe at Home address in Sacramento before it is forwarded to a program participant's address. This will result in a two to three day delay in receiving mail.~~

~~(B) Magazines, packages, catalogs, junk mail or any mail that is not first-class, except mail from governmental agencies, will not be forwarded to a program participant's address.~~

~~(C) Mail may not be forwarded to a program participant if it is sent to a name other than the name listed on the application form.~~

~~(D) Completing an application form using a name other than the program participant's legal name could result in the denial of program privileges at certain agencies if a legal name is required to access their services.~~

~~(E) All state and local government agencies must accept a Safe at Home address. Private companies, such as insurance, telephone, and utility, are not obligated to use a program participant's Safe at Home address and may require an actual residential street address.~~

~~(F) If the program participant is a United States citizen, the program participant may become a Confidential Voter by filling out the Confidential Affidavit of Registration and Absentee Ballot Application provided with the program participant application. Once a program participant is registered, he or she shall receive an Absentee Ballot to vote by mail in future elections.~~

~~(G) If the program participant purchases property using his or her own name, the property address location will be listed on the legal description filed with the county assessor's office and available for public inspection upon request.~~

~~(H) If the program participant purposefully or accidentally gives his or her actual residence address to an agency, that agency is not required to keep that address confidential and is not responsible for its release.~~

~~(c) Within ten (10) business days of the Secretary of State actually receiving the Safe at Home Application & Checklist Form the Secretary of State shall mail a notice to the applicant stating whether or not he or she has been certified as a program participant.~~

(d) All information submitted by an applicant is confidential and shall be treated as such by enrolling agencies. Enrolling agencies shall forward all Safe at Home Applications & Checklist Forms and all attachments thereto to the Secretary of State within twenty-four (24) hours of receipt. Enrolling agencies shall not copy, store, or maintain any of the information provided by an applicant as part of the Safe at Home Confidential Address Program, including, but not limited to, applications, attachments, supporting documentation, notes, letters, payment information, and information therein.

(e) Enrolling agencies shall not charge any individual for counseling, application and orientation material, assistance in completing the application, forwarding the application to the Secretary of State, or any other services relating to Safe at Home.

(f) The annual fee for reproductive health care services facilities, providers, employees, and volunteers who are health care professionals is seventy-five dollars (\$75). The annual fee is nonrefundable. The annual fee must be received by the Secretary of State no later than five (5) business days after the anniversary date of becoming a program participant. If the annual fee is received by the Secretary of State later than five (5) business days after the anniversary date of becoming a program participant, certification as a program participant shall be terminated in accordance with Section ~~22130~~ 22100.4. Reproductive health care services patients and family members of reproductive health care services patients who are program participants shall not be charged an annual fee.

(c) Application and annual fees shall not be charged to reproductive health care services patients and family members of a reproductive health care services patients who are program participants.

Note: Authority cited: Section 6215.9, Government Code.

Reference: Section 6215.2(c) and 6215.8, Government Code.

§ ~~22120~~ 22100.3. Renewal Procedures

(a) Certification as a program participant shall be for a term of four (4) years, except for reproductive health care services facility volunteers. At least two (2) months prior to the four- (4) year anniversary date of certification as a program participant, the Secretary of State shall mail a renewal application Notice of Renewal, revised September 29, 2003, to each program participant. The renewal application and application fee in subdivision (a) of Section 22100.2 must be received by the Secretary of State no later than five (5) business days after the expiration of the four (4) year term. If the renewal application and application fee is received by the Secretary of State later than five (5) business days after the expiration of the four (4) year term, the certification as a program participant shall not be renewed.

(b) The Notice of Renewal, revised September 29, 2003, shall include a notice that a person who willfully certifies as true any material matter pursuant to Section 6215.2 of the Government Code which he or she knows to be false is guilty of a misdemeanor and shall require all of the following information:

(1) Name and program certification number of the primary program participant and minor children who are program participants;

(2) Address or addresses that the program participant request not be disclosed for the reason that disclosure will increase the risk of acts of violence toward the applicant;

(3) Mailing address where the program participant can be contacted by the Secretary of State, and the telephone number or numbers where the program participant can be called by the Secretary of State;

(5) Whether the primary program participant is a reproductive health care services provider, employee, or patient;

(6) Affirmation of the program participant that he or she continues to live in fear for his or her safety or that of his or her family or the safety of a minor or incapacitated program participant in the care of the person making the affirmation and that continued participation in Safe at Home is requested; and

(7) Signature of the program participant or legal guardian of the program participant and date of signature.

(b) (c) Certification as a program participant for a reproductive health care services facility volunteer shall be for a term that will expire six (6) months after the last date he or she volunteers at the facility. A program participant who ceases to volunteer at a reproductive health care services facility shall immediately notify the Secretary of State in writing as to the last date he or she volunteered at a reproductive health care services facility. The Secretary of State shall send a letter by certified mail to the program participant confirming receipt of the notification and identifying the date the certification shall expire.

Note: Authority cited: Sections 6215.2(e) and 6215.9, Government Code.

Reference: Section 6215.2(c), Government Code.

§ ~~22130~~ 22100.4. Termination and Appeal Procedures

(a) Notification of termination shall be sent to program participants and enrolling agencies by certified mail. The notification of termination shall include the grounds for termination, the date in which termination shall be effective, and the appeal procedures.

(b) A program participant or enrolling agency shall have five (5) business days from date of receipt of the notification of termination to provide the Secretary of State with a statement signed by the program participant or authorized representative of the enrolling agency appealing the termination. The statement shall include argument and facts as to why the Secretary of State should not terminate the certification or designation. Any evidence, including supporting declarations, shall be submitted with the signed statement. The Secretary of State shall have three (3) business days from the date of receipt to review the appeal, issue a decision, and send by certified mail the decision to the program participant or enrolling agency.

(c) If the appeal process for a program participant extends beyond the termination date identified in the notification of termination, the Secretary of State shall continue to act as though the certification is valid until the Secretary of State issues a decision. If the decision is to terminate the program participant's certification, the termination shall be effective three (3) business days after the decision is mailed by certified mail to the program participant. The decision shall also state the date in which the program participant's certification shall be terminated.

(d) If the appeal process for an enrolling agency extends beyond the termination date identified in the notification of termination, the community-based assistance organization shall not represent itself as an enrolling agency, unless and until such time as the Secretary of State reinstates the designation as an enrolling agency.

Note: Authority cited: Section 6215.9, Government Code.

Reference: Section ~~6215.3~~, 6215.4(c), and ~~6215.8~~, Government Code.